IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Tax Case (Appeal) No.66 of 2012

The Commissioner of Income
Salem. ... Appellant

Vs.

Shri V.Sekaran
28/52, Bazaar Street
Erumaipatty PO
Namakkal District. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal 'D' Bench, Chennai dated 31.12.2007 in C.O.No.09/Mds/2004, as against the order dt.17.2.03 of the commissioner of Income Tax(Appeals) II, Coimbatore in IT (A).NO.302-C/02-03, for the Assessment year 90-91 to 2001-02(up to 21.9.2000), as against the order of the Deputy Commissioner of Income Tax, Salem for PAN/GIR No.CCPS-016, for the assessment year 1.4.90 to 21.9.2000.

For Appellant :Mr.T.R.Ravi Kumar,
Senior Standing Counsel

For Respondent : Mr.M.P.Senthil Kumar



J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI,J)



This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'D' Bench, Chennai, by raising the following substantial questions of law:

> " 1. Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in law in deleting the addition of Rs.16,66,400/- made on account of purchase of

lands?

2. Whether the Tribunal was right in deleting the addition of Rs.1,08,53,413/- representing investment which had not been properly explained pertaining to the loose sheet containing various transactions found during search?"

2. When the matter was taken up for hearing, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8th August 2019, wherein, it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.1,00,00,000/- (Rupees One Crore).

3. In the instant case, the tax effect is said to be less than the monetary limit imposed and therefore, the appeal filed by the Revenue is dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//
Sub Assistant Registrar

KST

To

1.Income Tax Appellate Tribunal
'D' Bench,Chennai.

2.The Commissioner of Income Tax,
Salem.

3.The Income Tax Appeals II,
Coimbatore.

4.The Deputy Commissioner of Income Tax,
Central Circle, Salem.

T.C.(A) No.66 of 2012

SVI(CO)
CB(06/08/2020)